REMARKS

This is a full and timely response to the non-final Office action mailed March 18, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-22 are pending in this application, with Claims 1, 11, and 22 being the independent claims. No claims have been amended, canceled, or withdrawn, and no new matter is believed to have been added.

Before proceeding with the merits of the rejections, Applicants wish to thank Examiner Nguyen for indicating that Claims 3, 4, 6-10, 12, 14, 16-20, and 22 are directed to allowable subject matter.

Obviousness-Type Double Patenting Rejections

Claims 1, 2, 5, 11, 12, 15, and 21 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over U.S. Patent Nos. 6,791, 230 (Tornquist et al.) and 5,554,900 (Pop, Sr.). This rejection is traversed.

The analysis employed in making an obviousness-type double patenting rejection is the same as that used for an obviousness rejection under 35 U.S.C. § 103(a). Thus, the same factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are used in making an obviousness determination under 35 U.S.C. § 103(a) are used when making an obvious-type double patenting determination. See M.P.E.P. § 804.II.B.1. In summary, these factual inquiries are: (1) determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue; (2) determine the differences between the scope and content of the patent claim and the prior art and the application claim at issue; (3) determine the level of ordinary skill in the pertinent art; and (4) evaluate any objective non-obviousness indicia. Id. (emphasis added).

The Office action alleges that Claims 1-19 of Tornquist et al. are "similar to" Claims 1, 2, 5, 11, 12, 15, and 21 of the instant application, and recites the elements of Claims 1, 2, 5, 11, 12, 15, and 21 that are allegedly "similar to" a subset of those that are

listed in at least independent Claims 1 and 19 of Tornquist et al. This, however, is not an appropriate obviousness-type double patenting analysis, as it does not adhere to the established guidelines outlined in the previous paragraph. In particular, it is clear from the Office action that no determination was made as to the scope and content of the claims in Tornquist et al. For, if such a determination were made, as will now be shown, it would not render any of the claims in the instant application obvious.

Independent Claim 1 in Tornquist et al., which relates to a rotor, recites a shaft, first and second poles, first and second coils, a first outer wedge, a first inner wedge, one or more first fasteners coupled to the first outer wedge and the first inner wedge, and one or more second fasteners coupled to the first inner wedge and to a core of the rotor. Thus, the scope and content of independent Claim 1 encompasses a rotor that includes at least these elements.

Pop. Sr. relates to a motor including a permanent-magnet rotor having magnets embedded therein and held in place by a plurality of segments. A plurality of retainer rings (280, 282) are disposed between axially aligned sets of segments. These retainer rings are somewhat structurally similar to interlamination disks.

The retainer rings of Pop, Sr., as was noted above, are somewhat similar to interlamination disks. However, the retainer rings are not structurally configured such that an ordinarily skilled artisan would couple either (or both) of the claimed coil support assemblies of Tornquist et al. (e.g., the first outer wedge or the first inner wedge) to the retainer rings. Rather, at best what Pop, Sr. suggests is including interlamination disks that the ends of either (or both) of the coil support assemblies recited in independent Claim 1 of Tornquist et al. would abut or contact. There is simply no suggestion or motivation to modify the configuration of either (or both) of the coil support assemblies recited in independent Claim 1 of Tornquist et al. such that either (or both) would be coupled to an interlamination disk of the type disclosed in Pop, Sr. Moreover, if one were to make such a modification, it would render the invention claimed in independent Claim 1 of Tornquist et al. inoperable for its intended use. Specifically, if the inner wedge were coupled to the interlamination disk, it could not be adjustably spaced apart from the core of the rotor, as is recited in independent Claim 1.

In view of the foregoing analysis, Applicants submit that the obviousness-type double patenting rejection is inappropriate, and should be withdrawn. If Claims 1-22 of the instant application are allowed, there would be no unjustified extension of the term of Tornquist et al. because, as was shown above, the invention claimed in the instant application is not an obvious variation of an invention claimed in Tornquist et al.

Conclusion

Based on the above, Claims 1-22 are patentable over the applied citations. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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